



THE NATIONAL LEGAL INTERNET PORTAL OF THE REPUBLIC OF BELARUS

Legal Acts

On Child's Rights

Law of the Republic of Belarus

*No. 2570-XII of November 19, 1993
[Amended as of November 10, 2008]*

The main political, social and economic task of the Republic of Belarus is a comprehensive protection of childhood, family and motherhood of present and future generation guaranteed by the state and society.

The present Law is based on Constitution of the Republic of Belarus, 1989 Convention of United Nations Organization "On Child's Rights", determines legal status of a child as independent entity, and directed on provision of his physical, moral and mental health, forming national self-consciousness on the basis of common to all mankind values of world civilization. Special care and social protection is guaranteed for the children with peculiarities of psychophysical development, and also for the children temporally or permanently lacking the family or being in unfavorable conditions and emergency situations.

Section 1. General Provisions

Article 1. Legal Basis of Regulation of Child's Rights

Legal basis of regulation of child's rights in the Republic of Belarus is the Constitution of the Republic of Belarus, international agreements of the Republic of Belarus, present Law and other acts of legislation of the Republic of Belarus regulating the order and conditions of realization of the rights and interests of child.

For the purposes of the present law the child is considered the individual under the age of 18, if the individual previously didn't gain civil capability in full volume.

Legal regulation of rights and duties of a child is carried out with the consideration of the age of the child and his/her active legal capacity.

The rights and freedoms of the child may be restricted only in the cases provided by law in behalf of the national security, public order, health of the population, rights and freedoms of other persons.

Article 2. The Sphere of Implementation of the Present Law

Present Law determines the principles of state policy in relation to a child, his legal status, duties of organizations and individuals on protection of childhood.

Article 3. State Bodies and Other Organizations Providing the Protection of Rights and Legal Interests of a Child. The Coordination of Activities of State and Non-State Organizations in Implementation of Provisions of the Present Law

Protection of the rights and legal interests of a child is provided by the commissions for juvenile affairs, bodies of guardianship, public prosecutor's office and court, and by other organizations enabled by the legislation of the Republic of Belarus, which follow the priority of protection of child's rights and legal interests in their activity.

State bodies support the activity of public associations and other non-commercial organizations assisting to protection and realization of children's rights and legal interests.

The coordination of the activity of state and non-state organization on realization of present Law is carried out by the Ministry of Education of the Republic of Belarus.

Article 4. Right to Life

Every child has inalienable right to life.

The state protects the child's life from any illegal infringements.

The application of death penalty and life imprisonment to the children is not allowed.

Article 5. Right to Protection and Improvement of Health

Every child has inalienable right to protection and improvement of health.

The state makes necessary conditions for a mother to protect her health during the period of pregnancy, delivery and recuperation period after delivery, provides healthy development of a child, renders to children free medical help and sanatoria and health resort treatment in accordance with legislation of the Republic of Belarus.

Article 6. Equality of Children

All children have equal rights independently of origin, racial, national and civil identity, social and material status, sex, language, education, religion, place of residence, state of health and other factors connected with the child and his parents. Children born in wedlock and out of wedlock enjoy equal and comprehensive protection of the state.

Article 7. Right to Citizenship

Every child has right to citizenship. Foundations and procedure of obtaining and changing the citizenship of a child are determined by the legislative acts and international treaties of the Republic of Belarus regulating the questions of citizenship.

Article 8. Right to Adequate Level of Life

Every child has the right to adequate level of life and conditions necessary for full physical, mental and spiritual development. The state bodies through the system of social and economic measures provide the creation of such conditions.

Article 9. The Right to Inviolability of the Personality, Protection from Exploitation and Violence

Every child has the right to protect his own personality from any type of exploitation and violence.

The state provides inviolability of child's personality, realizes its protection from all types of exploitation including sexual, from physical and (or) psychical violence, cruel or offensive treatment, disparage, sexual harassment including such treatment from parents (guardians) and relatives, from engaging into criminal activity, junction to alcoholic drinks, non-medical use of narcotic, toxic, psychotherapy and other drastic, intoxicating substances, compulsion for the prostitution, gambling and making actions connected with making materials or goods of pornographic character, and also from engaging of a child in activities that may cause harm to his/her physical, mental or moral development.

The persons, who get to know about the facts of cruel treatment, physical and (or) psychological violence toward a child, which pose a threat for child's life, health and development, shall immediately report about it to the competent state body.

Article 10. Right to Determine the Attitude Towards Religion

Every child has right to determine independently his attitude towards religion, to practice or not to practice any religion.

The state cannot interfere in child's upbringing based on certain religious outlook of parents (guardians), and performing religious rites connected with it at participation of a child and conducted beyond the educational establishments, observance of traditions, except for situations, when the engaging in religious activity directly threatens child's life and health, violates his/her rights and legal interests.

Toward a child under 15 the religious rites are performed with the consent of parents (guardians).

Article 11. Right to Get, Store and Spread Information, Free Expression of Thoughts

Every child has a right to get, store and spread information, freedom of opinions, convictions and their free expression.

Every the child who is capable of forming his or her own views and convictions the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child in order provided by the legislation of the Republic of Belarus. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in order provided by the legislation of the Republic of Belarus.

Article 12. Right to Preferential Passage

Children have a right to preferential passage in accordance with the legislative acts of the Republic of Belarus.

Article 13. Protection of Rights and Legal Interests by a Child

A child at the age of 14 and older has the right to receive legal help for realization and protection of his rights and freedoms including the right to use the lawyer's help at any moment and other representatives in the court, other state bodies and in relations with officials and citizens without consent of parents (guardians).

The Bar associations provide children in behalf of them, their parents (guardians) in behalf of children free of charge with legal consulting, drawing up legal documents for bringing actions, pleading cases connected with labor relations, alimony cases, cases for compensation of harm caused in the result of the mutilation or other injury related to the occupation at the court of first instance.

In the case of violation of child's rights determined by the Convention of Organization of United Nations "On Child's Rights" and other acts of legislation of the Republic of Belarus the child has the right to submit the applications to the commissions for juvenile affairs, the body of guardianship, Office of Public Prosecutor, and at reaching the age of 14 can submit the application on protection of his rights and legal interests to the Court, and also realize the protection of rights and interests through his own representatives.

Article 14. Duties of a Child

A child must observe state laws, take care of his parents, respect rights and legal interests of other citizens, traditions and cultural values of Belarusian people, other peoples and nations, take the knowledge and prepare for independent working activity, treat the environment and all type of property with care.

Section 2. A Child and a Family

Article 15. Right to Live in a Family

Every child has the right to live in the family, know both of his parents, right to their care, joint living except for the cases, when separation with one or both parents is necessary for the interests of the child.

The child is granted the right to choose one of both parents at reaching the age of 10.

Article 16. Right of a Child, Who Lives Separately from the Parents

The child living separately from one or both parents in the Republic of Belarus or other country has the right to keep regular personal relationships and direct contact with parents and other relatives except for the cases, when such relations don't serve the child's interests.

Article 17. Family's Responsibility for a Child

Parents (guardians) must make the conditions for full development, upbringing, education, improvement of health of the child and preparation for the independent life in the family and in the society.

Parents of children supported by the state shall fully reimburse amounts used by the state to provide for their children in the cases and in the order established by the legislative acts of the Republic of Belarus.

The violation of the rights and legal interests of a child by the parents (guardians) entails responsibility provided by the legislative acts of the Republic of Belarus.

In cases provided by the legislative acts of the Republic of Belarus the parents (guardians) bear responsibility for infringements of the legislation of the Republic of Belarus committed by children.

Article 18. Right to Habitation

Every child has the right to habitation. The realization of this right is exercised in the order established by the housing legislation of the Republic of Belarus.

Article 19. Right to Property

Every child has the right to use, own and dispose his property, also make bargains in the order established by the legislation of the Republic of Belarus.

Independently of place of residence the child has the right to inheritance of parents property in case of their death or declaration them dead by the court's decision in the order established by the legislation of the Republic of Belarus.

In case of declaration of both parents or one of them missing the child has the right to support by their assets in accordance with the legislation of the Republic of Belarus.

Article 20. Right to Name

Every child has the right to name. The right and duty of determination of child's name is granted to the parents. Change of child's name is realized in accordance with the legislation of the Republic of Belarus.

Article 21. Social Protection of Family by State

For the purpose of full support and upbringing of the child in the family the state renders social aid in the form of the state benefits, guarantees the right to use services of establishments rendering the pre-school education, and gives the privileges in accordance with the legislative acts of the Republic of Belarus.

Section 3. A Child and Society.

Article 22. The Junction to National and World's Culture. The Right to Protection from the Information, Propaganda and Agitation Harmful to Health, Moral and Mental Development of a Child

The state provides the possibility of the junction to history, traditions and mental values of the people of the Republic of Belarus and progress of the world culture. For this purposes creation of state organizations and public associations for the development of child's abilities to the science and creation is encouraged, publication of pictures and video films, television and radio broadcasts is realized, edition of child's newspapers, magazines, books and other printed editions is realized, and their availability is provided.

The child has the right on protection from the information, propaganda and agitation harmful to his health, moral and mental development. The order of realization of this right is determined in accordance with the legislation of the Republic of Belarus.

Article 23. Right to Education

Every child has the right to education.

Children are guaranteed to get free general secondary, professional technical, and on a competitive basis free special secondary and higher education in the state educational establishments.

The state encourages the development of talent and improvement of education.

Article 24. Right to Work

Every child has the right to choose a profession and an occupation in accordance with his/her vocation, abilities, education, professional training and with consideration of social needs.

After age of 16 the child has the right to independent work activity. With written permission of one of the parents (guardians) labour contract can be concluded with a child aged 14 years in the order and on conditions established by the legislation of the Republic of Belarus.

Application of child's labour on the hard works and on the works with harmful and/or dangerous conditions of work, underground and mountain works the list of which is approved by the Government of the Republic of Belarus or by the authorized body is prohibited.

Article 25. The Right to Rest

Every child has the right on rest and choice of non-school activities in accordance to their interests and capabilities. The state creates a wide net of establishments of non-school education and upbringing, specialized study and sport establishments, sport facilities, other places for rest and improvement of health, establishes preferential order for children to use cultural and sport and health-improving services.

The activities, directed to worsening or cutting down the material recourses, which provide the organizations of child's rest, are to be coordinate with appropriate local executive and administrative bodies.

Article 26. Right to Freedom of Associations

The state creates favorable conditions for free and efficient participation of youth in the political, social, economic and cultural development.

Children have the right to establish children's and youth public associations provided that such associations do not purport to change forcibly the constitutional order or be engaged in propaganda of war, social, national, religious and racial hostility.

The state renders support to children's and youth public associations in accordance with the legislation of the Republic of Belarus.

Article 27. Right to Protection of Honor and Dignity

Every child has the right on protection his honor and dignity protected by the Constitution of the Republic of Belarus.

The discipline and order in the educational establishments are kept by the methods based on senses of mutual respect and justice and exclude the humiliation.

Infringement of child's honor and dignity from the persons obliged to realize educational and pedagogic functions cause the responsibility established by the legislative acts of the Republic of Belarus.

Persons previously having committed crimes against sexual inviolability or sexual freedom, crimes provided by the articles 172, 173, 181, 181.1, 343, 343.1 of the Criminal Code of the Republic of Belarus can't hold the positions, connected with realizing educational and pedagogic functions in relation to children and also other positions connected with constant work with children.

Article 28. Right to Protection from Illegal Interference to Private Life, Infringement of Correspondence Privacy

Every child has the right to protection from illegal interference to his private life including the infringement of correspondence privacy, telephonic and other communication

Section 4. A Child in Unfavorable Conditions and Emergency Situations

Article 29. Protection of Rights of Orphans and Children Left Without Parents Care

Orphans and children left without parents care have the right on the special concern of the state. In the order established by the legislation of the Republic of Belarus they are provided with the state support and other social benefits.

Bodies of guardianship, other organizations enabled to protect the rights and legal interests of children by the legislation of the Republic of Belarus shall take all measures to adopt orphans and children left without parents care into a family for upbringing. Children shall be predominantly adopted with consideration of their interest into the families of the relatives of children or into the families of citizens of the Republic of Belarus having permanent residence on the territory of the Republic of Belarus.

In the order established by the legislation of the Republic of Belarus the adoption of the orphans and children left without parents' care who are the citizens of the Republic of Belarus, placing under the guardianship of orphans and children left without parents' care – citizens of the Republic of Belarus is allowed by the citizens of the Republic of Belarus having permanent residence on the territory of a foreign state, by foreign citizens and persons without citizenship. In this case children reserve the right on citizenship, property, housing, other personal non-property rights and property rights in accordance with the legislation of the Republic of Belarus.

If orphans and children left without parents' care cannot be adopted into a family, they shall be settled in child boarding schools, state specialized establishments for juveniles needed social care and rehabilitation, state establishments providing professional technical, specialized secondary, higher education, children's villages (towns).

For the purpose of good physical, intellectual and moral development, preparation for independent life of orphans and children left without parents' care supported by the state and settled in child boarding schools, state specialized establishments for juveniles needed social care and rehabilitation, state establishments providing professional technical, specialized secondary, higher education, family-type orphanages, child villages (towns), guardians families, foster homes favorable conditions are created close to those like in family, their native language, culture, national customs and traditions

are kept.

Article 30. Withdrawn

Article 31. The Rights of Invalid Children and Children with the Peculiarities of Psychophysical Development

The state guarantees free special medical, defectological and psychological help for the invalid children, choice of the educational establishment by them and their parents (guardians), providing conditions for getting education at all levels of basic education and also additional education, placing in a job in accordance with their abilities, social rehabilitation, full life in conditions providing their dignity and promoting active inclusion to the life of the society.

Article 32. Protection of Children in Emergence Situations

In the emergency situations the state provides children with urgent medical help, takes measures on protection of children's lives, health and property, including measures on their family reunification, evacuation from the state (place) of their stay.

Article 33. Prohibition of Children's Participation in Military Operations

Engaging children to take part in military operations or other engaging them in armed conflicts, propaganda of war and violence among the children, creating children's militarized formations are prohibited.

Article 34. Rights of Refugee Children

Children arrived in the Republic of Belarus are entitled to submit an application for granting the status of refugee or additional protection in the Republic of Belarus, or asylum in accordance with the legislation of the republic of Belarus.

Local executive and administrative bodies at the place of stay of a child place him/her under guardianship, provide other forms of his/her settlement for upbringing.

Article 35. Protection of the Child's Rights at Bringing Him to Account

Child's right on individual liberty is protected by the Law. Guarantees of the protection of rights of children at the bringing them to the account are established by the legislation of the Republic of Belarus.

Article 36. Observance of the Child's Rights in Special Study and Educational and Medical and Educational Establishments

Direction of the child to the special educational establishment or medical educational establishment are realized only by the Court in the order established by the legislation of the Republic of Belarus.

The child being in special educational or medical educational establishment has the right on humane treatment, protection of health, getting general basic, general secondary and professional and technical education, meetings with the parents, relatives and other persons, vacation and correspondence.

Obligatory purpose of keeping of children in special educational or medical educational establishments is the re-education and return them to normal conditions of life and work.

Article 37. Protection of the Child from Forced Transfer

The state takes measures against illegal transfer and failure to return of the children from foreign countries, kidnapping, children trade in any purposes and forms in accordance with the legislation of the Republic of Belarus and regulations of international law.

Section 5. International Cooperation

Article 38. International Agreements

If the international treaty of the Republic of Belarus establishes other rules than the rules contained in present Law, the rules of international treaty are applied.

Article 39. International Cooperation

The state contributes to development of international cooperation of state and non-state organizations, provides realization of international treaties of the Republic of Belarus in the sphere of protection of the child's rights.

Section 6. Liability for Infringement of the Present Law

Article 40. Liability for the Infringement of the Present Law

Persons violating the present law or obstructing its implementation bear liability in accordance with the legislative acts of the Republic of Belarus.

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